

2005 DRAFTING REQUEST

Bill

Received: **01/05/2005**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Statz, BB0348 -

Topic:

Commercial fishing approvals

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mglass 01/06/2005	kfollett 01/08/2005	jfrantze 01/10/2005	_____	lnorthro 01/10/2005		State
/2	mglass 01/21/2005	wjackson 01/21/2005	rschluet 01/21/2005	_____	lnorthro 01/21/2005		

FE Sent For:

<END>

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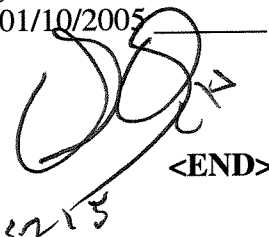
See Attached

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/?							State
/1	mglass 01/06/2005	kfollett 01/08/2005	jfrantze 01/10/2005		lnorthro 01/10/2005		

FE Sent For:

1/2 WJ 1/21


<END>
12/15

2005 DRAFTING REQUEST

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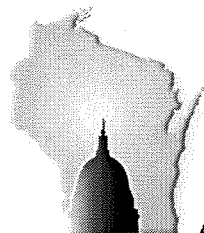
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass		<i>Jb</i> 1/10	<i>Jb</i> / <i>Rs</i> 1/10			

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Commercial fishing fees
- Tracking Code: BB0348
- SBO team: ECR
- SBO analyst: Andrew J. Statz
 - Phone: 266-7329
 - Email: andrew.statz@doa.state.wi.us
- Agency acronym: DNR
- Agency number: 370



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 21, 2004

To: Steve Miller, Chief
Legislative Reference Bureau

From: Andrew J. Statz, Analyst *AS*
State Budget Office

Subject: Budget draft request relating to commercial fishing fees

I am requesting statutory language be drafted for inclusion with the 2005-07 biennial budget bill. The draft will increase the following commercial fishing, troller, guide and related fees:

- Resident commercial license and additional boat fee from \$900 to \$1,000;
- Nonresident commercial license and additional boat fee from \$6,500 to \$7,500;
- Wholesale fish dealer license from \$100 to \$250;
- Boat replacement fee from \$25 to \$50;
- Resident sport troller license from \$100 to \$150;
- Nonresident sport troller license from \$400 to \$600;
- Resident inland fishing guide license from \$40 to \$60; and
- Nonresident inland fishing guide license from \$100 to \$150.

The draft will also create new fees including:

- ~~A quota~~ and racehorse fishery administration fee of \$100;
- A quota transfer fee of \$50; and
- A quota administration fee of \$25.

Revenue from these new fees will be deposited to the conservation fund.

If you have any questions, please contact me at andrew.statz@doa.state.wi.us or 266-7329.

Gibson-Glass, Mary

From: Statz, Andrew
Sent: Wednesday, January 05, 2005 12:25 PM
To: Gibson-Glass, Mary
Subject: RE: Draft on commercial fishing fees, LRB 05-1491

I believe the best person would be DNR's Susan Felker-Donsing at 7-2769.

-----Original Message-----

From: Gibson-Glass, Mary [mailto:Mary.Glass@legis.state.wi.us]
Sent: Wednesday, January 05, 2005 10:07 AM
To: Statz, Andrew
Subject: Draft on commercial fishing fees, LRB 05-1491

Andrew:

I cannot create the three new "quota" fees requested in the above-referenced draft without first talking to DNR about the specifics, ie when the fees are charged. Could you please give me the name of the budget analyst over at DNR on this one. Or if this is being generated by the Governor's office, could you give the name of a contact who is involved in administering the commercial fishing statutes under s. 29.519.

Thanks so much,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

Gibson-Glass, Mary

From: Flaherty, Peter D.
Sent: Thursday, January 06, 2005 2:21 PM
To: Flaherty, Peter D.; Gibson-Glass, Mary
Cc: Horns, William H.; Felker-Donsing, Susan
Subject: RE: commercial fishing fees

Oops - my message had a typo - the # 3. quota transfer fee should be \$50, not \$100.

-----Original Message-----

From: Flaherty, Peter D.
Sent: Thursday, January 06, 2005 2:15 PM
To: Gibson-Glass, Mary
Cc: Horns, William H.; Felker-Donsing, Susan
Subject: commercial fishing fees

Mary - I believe that the fees you asked about were proposed by DNR after all.

Susan sent me a copy of a proposal from our Fisheries Program that discussed it. The key sentence of that proposal apparently was misinterpreted. It states:

"The committee also recommended several new fees including quota and racehorse fishery administration fees of \$100 (185 and 87 transactions); quota transfer fee of \$50 (90 per year); and a quota administration fee of \$25 to maintain a quota in a fishery that is closed (unknown number per year but a small number)."

(Underline added.)

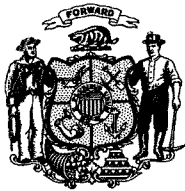
As I read it, the proposal described 4 fees, not 3:

1. Quota administration fee - \$100
2. Racehorse fishery administration fee - \$100
3. Quota transfer fee - \$100
4. Quota administration fee to maintain a quota in a fishery that is closed - \$25

Read this way, the proposal is fully consistent with the Solin Report's recommendations. I hope that this helps clarify the proposal.

Bill Horns

68782



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1491/1

MGG:.....

WJ

1/10 or
1/11

DOA:.....Statz, BB0348 - Commercial fishing approvals ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

LPS: Please
print w/
line #s.

IN

DO NOT GEN
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES ✓

FISH, GAME, AND WILDLIFE ✓

This bill increases the fees for commercial fishing and fishing guide licenses issued to residents and nonresidents and for wholesale fish dealer licenses. The bill also specifically authorizes DNR to charge fees in ~~order~~ ^{state} to regulate how the total harvest limit for a species of fish is allocated among licensed commercial fishers.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.024 (2) (d) of the statutes is amended to read: ✓

29.024 (2) (d) Except as provided under s. 29.182 (4), 29.184 (6m), or 29.519 (2) (d) or (e), ✓ or by rule, no person may transfer his or her approval or permit the use of any approval by any other person.

SECTION 2. 29.519 (1) (title) of the statutes is amended to read:

29.519 (1) (title) ~~LICENSE~~ LICENSES; PERMIT; FEES AUTHORIZED.

History: 1975 c. 94 s. 91 (9); 1975 c. 199, 317; 1977 c. 29, 418; 1979 c. 32 s. 92 (1); 1979 c. 154, 221; 1983 a. 25; 1983 a. 27 s. 2202 (38); 1985 a. 29; 1985 a. 332 s. 251 (1), (3); 1991 a. 39; 1993 a. 112; 1997 a. 27, 189, 191, 237; 1997 a. 248 ss. 461 to 475; Stats. 1997 s. 29.519; 1999 a. 32.

SECTION 3. 29.519 (1) (bg) of the statutes is created to read:

29.519 (1) (bg) The department may charge the fee specified in s. 29.563 (7)

(c) 2g. for any permit issued to allot individual licensee catch quotas.

SECTION 4. 29.519 (1) (bn) of the statutes is created to read:

29.519 (1) (bn) The department may charge the fee specified in s. 29.563 (7)

(c) 2m. for any permit issued to regulate fishing for a species for which there is a harvest limit but for which there is no allotment of catch quotas to individual licensees.

SECTION 5. 29.519 (1) (br) of the statutes is created to read:

29.519 (1) (br) The department may charge a commercial fisher licensed under

section 29.519 (1) (br) on an annual basis the fee specified in s. 29.563 (7) (c) 2r. to maintain the fisher's catch quota for a species for which the fishing season is temporarily closed.

History: 1975 c. 94 s. 91 (9); 1975 c. 199, 317; 1977 c. 29, 418; 1979 c. 32 s. 92 (1); 1979 c. 154, 221; 1983 a. 25; 1983 a. 27 s. 2202 (38); 1985 a. 29; 1985 a. 332 s. 251 (1), (3); 1991 a. 39; 1993 a. 112; 1997 a. 27, 189, 191, 237; 1997 a. 248 ss. 461 to 475; Stats. 1997 s. 29.519; 1999 a. 32.

SECTION 6. 29.519 (2) (e) of the statutes is created to read:

29.519 (2) (e) *Transfer of quotas.* The department may, upon application and subject to approval by the commercial by the commercial fishing boards, as provided under sub. (7), *the department may* permit the transfer of an individual license catch quota to another individual holding a license issued under this section and may charge the fee specified in s. 29.563 (7) (c) 1m. if it does permit such transfer.

SECTION 7. 29.519 (7) of the statutes is amended to read:

29.519 (7) COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan commercial fishing boards established under s. 15.345 (2) and (3) shall review and consider applications for a transfer of license licenses and individual license catch

quotas under this section and shall approve or deny applications on the basis of rules promulgated by the department. The boards shall recommend to the department species harvest limits and formulas for the allotment of individual licensee catch quotas when the department establishes species harvest limits for allocation among licensees. The boards shall assist the department in establishing criteria for identifying inactive licensees. The criteria established for identifying inactive licensees shall be the basis for rules governing the issuance of licenses. The boards may also advise the department on all other commercial fishing matters relating to Lake Michigan and Lake Superior.

History: 1975 c. 94 s. 91 (9); 1975 c. 199, 317; 1977 c. 29, 418; 1979 c. 32 s. 92 (1); 1979 c. 154, 221; 1983 a. 25; 1983 a. 27 s. 2202 (38); 1985 a. 29; 1985 a. 332 s. 251 (1), (3); 1991 a. 39; 1993 a. 112; 1997 a. 27, 189, 191, 237; 1997 a. 248 ss. 461 to 475; Stats. 1997 s. 29.519; 1999 a. 32.

SECTION 8. 29.563 (5) (a) 1. of the statutes is amended to read:

29.563 (5) (a) 1. Guide: ~~\$39.25~~ \$59.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 9. 29.563 (5) (a) 2. of the statutes is amended to read:

29.563 (5) (a) 2. Sport trolling: ~~\$100~~ \$149.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 10. 29.563 (5) (b) 1. of the statutes is amended to read:

29.563 (5) (b) 1. Guide: ~~\$99.25~~ \$149.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 11. 29.563 (5) (b) 2. of the statutes is amended to read:

29.563 (5) (b) 2. Lake Michigan and Green Bay sport trolling: ~~\$400~~ \$599.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 12. 29.563 (5) (b) 3. of the statutes is amended to read:

29.563 (5) (b) 3. Lake Superior sport trolling: ~~\$400~~ \$599.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 13. 29.563 (7) (a) 1. of the statutes is amended to read:

29.563 (7) (a) 1. Outlying waters: ~~\$899.25~~ \$999.25 for the first licensed boat
and ~~\$899.25~~ \$999.25 for each additional licensed boat.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 14. 29.563 (7) (a) 2. of the statutes is amended to read:

29.563 (7) (a) 2. Outlying waters without boat: ~~\$899.25~~ \$999.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 15. 29.563 (7) (b) 1. of the statutes is amended to read:

29.563 (7) (b) 1. Outlying waters: ~~\$6,499.25~~ \$7499.25 for the first licensed boat
and ~~\$6,499.25~~ \$7499.25 for each additional licensed boat.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 16. 29.563 (7) (b) 2. of the statutes is amended to read:

29.563 (7) (b) 2. Outlying waters without boat: ~~\$6,499.25~~ \$7499.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 17. 29.563 (7) (c) (title) of the statutes is amended to read:

29.563 (7) (c) (title) *Other commercial licenses approvals.*

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 18. 29.563 (7) (c) 1. of the statutes is amended to read:

29.563 (7) (c) 1. Outlying waters license transfers under s. 29.519 (2) (d): \$25
\$49.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 19. 29.563 (7) (c) 1m. of the statutes is created to read:

29.563 (7) (c) 1m. Commercial catch quota transfer under s. 29.519 (2) (e): \$50.

SECTION 20. 29.563 (7) (c) 2g. of the statutes is created to read:

29.563 (7) (c) 2g. Commercial catch quota permit under s. 29.519 (1) (bg): \$100.

SECTION 21. 29.563 (7) (c) 2m. of the statutes is created to read:

29.563 (7) (c) 2m. Commercial fishing permit under s. 29.519 (1) (b): \$100.

SECTION 22. 29.563 (7) (c) 2r. of the statutes is created to read:

29.563 (7) (c) 2r. Maintenance of catch quota under s. 29.519 (1) (br): \$25.

SECTION 23. 29.563 (7) (c) 6. of the statutes is amended to read:

29.563 (7) (c) 6. Wholesale fish dealer: \$100 \$249.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33.

SECTION 9435. Effective dates; natural resources.

(1) COMMERCIAL FISHING. The treatment of sections 29.024 (2) (d), 29.519 (1) * (title), (bg), (bn), and (br), (2) (e), and (7), 29.563 (5) (a) 1. and 2. and (b) 1., 2., and 3. and (7) (a) 1. and 2., (b) 1. and 2., and (c) (title), 1., 1m., 2g., 2m., 2r., and 6. of the statutes takes effect on April 1, 2006.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1491/Adn

MGG:.....

Wlj

- 10 I have spoken with Bill Horns and Attorney Peter Flaherty of DNR concerning the creation of the new fees in this draft. Based on my conversation with them, apparently four new fees are to be created. Please review this carefully to make sure it achieves the intent of the legislation. Also, I strongly recommend that you allow Peter Flaherty or other staff at DNR to review this draft since the law relating to commercial fishing is very technical and complicated.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

4 20 I have created a delayed effective
date. Let me know if you want any
changes.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1491/1dn
MGG:wlj:jf

January 10, 2005

1. I have spoken with Bill Horns and Attorney Peter Flaherty of DNR concerning the creation of the new fees in this draft. Based on my conversation with them, apparently four new fees are to be created. Please review this carefully to make sure it achieves the intent of the legislation. Also, I strongly recommend that you allow Peter Flaherty or other staff at DNR to review this draft since the law relating to commercial fishing is very technical and complicated.
2. I have created a delayed effective date. Let me know if you want any changes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Felker-Donsing, Susan
Sent: Tuesday, January 18, 2005 8:34 AM
To: Statz, Andrew; Gibson-Glass, Mary
Cc: Flaherty, Peter D.
Subject: FW: LRB Draft: 05-1491/1 Commercial fishing approvals

Importance: High



05-1491/1



05-1491/1dn



FW: LRB Draft:
05-1491/1 Comm..

Andrew and Mary, please see DNR attorney Peter Flaherty's comments and suggested drafting changes on the commercial fishing budget language, attached below. It reflects his concerns, and suggestions from Bill Horns of Fisheries and Tom Hanson of Law Enforcement.--Susan

-----Original Message-----

From: Statz, Andrew [mailto:andrew.statz@doa.state.wi.us]
Sent: Monday, January 10, 2005 4:49 PM
To: Felker-Donsing, Susan
Subject: FW: LRB Draft: 05-1491/1 Commercial fishing approvals

Please share this with Bill Horns and Peter Flaherty.

-----Original Message-----

From: Frantzen, Jean [mailto:Jean.Frantzen@legis.state.wi.us]
Sent: Monday, January 10, 2005 10:25 AM
To: Statz, Andrew
Cc: Grinde, Kirsten; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica
Subject: LRB Draft: 05-1491/1 Commercial fishing approvals

Following is the PDF version of draft 05-1491/1.

annual harvest
↓
quotas

racehorse
annual harvest,
no quotas
↓
permits

Sitter, Kathleen

From: Flaherty, Peter D.
Sent: Wednesday, January 12, 2005 9:49 AM
To: Felker-Donsing, Susan
Cc: Hansen, Thomas R
Subject: FW: LRB Draft: 05-1491/1 Commercial fishing approvals
Importance: High
 Susan -

Section 4 of the draft could be modified as follows so that these annual allocation fees would apply only to the second and subsequent allocation permit issued to a licensee. The first quota or permit issued to a licensee each year would be free.

SECTION 4. 29.519 (1) (bn) of the statutes is created to read:

29.519 (1) (bn) The department may charge a licensee the fee specified in s. 29.563 (7) (c) 2m.

for the second and any subsequent permit issued to regulate fishing for a species for which there is a harvest limit but for which there is no allotment of catch quotas to individual licensees.

The changes shown in red in my previous email **below** illustrate how the Analysis and my revised version of Section 3 of the draft could be changed to accomplish this too:

-----Original Message-----

From: Flaherty, Peter D.
Sent: Monday, January 10, 2005 7:41 PM
To: Felker-Donsing, Susan; Horns, William H.; Staggs, Michael D.; Stark, Randall J
Subject: RE: LRB Draft: 05-1491/1 Commercial fishing approvals
Importance: High

Susan,

I've reviewed the draft. Because of the litigation we've had in Wisconsin over commercial fishing property rights issues, any change to the commercial fishing statute makes me nervous. This proposal makes several changes and seems too complicated. I strongly recommend the following modifications:

1. Revise the Analysis - these fees are not to be charged "in order to regulate how the total harvest limit for a species of fish is allocated among licensed commercial fishers". Instead, a more accurate and concise statement would be that the fees are to be charged for allocating the harvest among commercial fishing licensees. Section 29.519(1)(b), Stats., already authorizes DNR to allocate the harvest among commercial fishing licensees. We allocate by issuing permits and quotas, and we reallocate by transferring permits and quotas between the licensees when allowed by DNR rules. Here is my suggested rewording:

This bill increases the fees for commercial fishing and fishing guide licenses issued to residents and nonresidents and for wholesale fish dealer licenses. The bill also specifically authorizes DNR to charge fees for allocating the harvest of species of fish among licensed commercial fishers by permit and quota, including transfers of permits and quotas. Fees would not be charged for the first allocation permit or quota issued to a licensee each year.

2. Section 1 is inappropriate and unnecessary. It should be deleted. Our transfer rules and process do not involve one person physically giving a permit or quota to another person, or allowing another person to use it. Rather, when a transfer is approved, DNR terminates the first person's quota or permit and re-issues it to the second person in the second person's name.

3. I know that the Solin Committee asked for it, but I am very concerned about Sections 5 and 22, relating to the reduced annual

01/19/2005

fee to maintain a quota for a fishery with a temporarily closed season. This item was only intended to save licensees a little money on quota fees when they can't fish the quota, but it may cause significant confusion over property rights and conflict with DNR's "minimum catch" rule. "Maintaining" a quota sounds inconsistent with the minimum catch concept. Also, the draft does not include a definition of "temporary", which will be a big problem. The wording of Section 5 should be revised to get rid of "maintain" and consolidate it with Section 3, (since this Section just authorizes a reduced fee for issuing the same type of quota permit as Section 3), to read as follows:

SECTION 3. 29.519 (1) (bg) of the statutes is created to read:

29.519 (1) (bg) The department may charge a licensee the annual fee specified in s. 29.563 (7) (c) 2g. for the second and any subsequent permit issued to allot individual licensee catch quotas, but may charge the reduced fee specified in s. 29.563 (7) (c) 2r. if the second or subsequent permit is for a species for which the fishing season is closed.

Similarly, Section 22 should be consolidated under Section 20(?) or revised to read something like this, to get rid of the word "maintain":

SECTION 22. 29.563 (7) (c) 2r. of the statutes is created to read:

29.563 (7) (c) 2r. Reduced fee closed season commercial catch quota permit under s. 29.519 (1) (bg): \$25.

4. I have several concerns about Section 6.

a. Remove all references to the commercial fishing boards. The CFBs currently play no role in the issuance or transfer of allocation permits or quotas. DNR opposes any increased regulatory role for the CFBs. See my comment 5, below.

b. Section 6 also assumes that DNR needs new authority to authorize quota transfers. It doesn't. It is DNR's position that transfers are merely a form of harvest (re)allocation, and are implicitly authorized by current s. 29.519(1)(b), Stats. All that DNR needs is authority to charge a transfer fee.

c. Section 6 should also be revised so that its fee covers transfers of both quotas and permits for species that are not individually allocated (when such transfers are allowed by DNR rule). It should read more like the paragraphs created in Sections 3 and 4, and should probably create a new paragraph insertion in s. 29.519 (1):

SECTION ____. 29.519 (1) (b____) of the statutes is created to read:

29.519 (1) (b____) The department may charge the fee specified in s. 29.563 (7) (c) 1m. to transfer either a permit issued to allot individual licensee catch quotas or a permit issued to regulate fishing for a species for which there is a harvest limit but for which there is no allotment of catch quotas to individual licensees.

✓ 5. Delete Section 7 - The commercial fishing boards should not be given any additional regulatory authority. See my previous comment. Current law has the CFB approving license transfers, but licenses are infrequently transferred, unlike quotas, and even this job has been delegated by the CFB to DNR staff. They meet only 3 times a year at most, are not equipped to process transfers in a timely manner, and have no standards by which to evaluate applications. Furthermore, the CFBs are comprised mostly of commercial fishing licensees, so ethical problems and conflicts of interest will greatly be amplified. Their current statutory responsibility to approve license transfers has been delegated by rule to DNR staff for these reasons. Please don't add to the problems.

Thanks for the opportunity to review this proposal.

Please call me if you have any questions.

Pete

-----Original Message-----

From: Felker-Donsing, Susan

Sent: Monday, January 10, 2005 5:19 PM

To: Flaherty, Peter D.; Horns, William H.; Staggs, Michael D.; Stark, Randall J

01/19/2005

Subject: FW: LRB Draft: 05-1491/1 Commercial fishing approvals
Importance: High

Folks, this is a draft of the commercial fishing fee increase language we are proposing in the fish and wildlife fee package. It implements some of the "Solin Committee" recommendations, and is being considered for inclusion in the Governor's budget. I've attached, in WORD document below, a summary of the commercial fishing proposal that this language is intended to implement. Please review the LRB draft and either give me an "OK" or your edits as soon as you can, ideally by Wednesday afternoon. Thank you much --Susan

-----Original Message-----

From: Statz, Andrew [<mailto:andrew.statz@doa.state.wi.us>]
Sent: Monday, January 10, 2005 4:49 PM
To: Felker-Donsing, Susan
Subject: FW: LRB Draft: 05-1491/1 Commercial fishing approvals

Please share this with Bill Horns and Peter Flaherty.

-----Original Message-----

From: Frantzen, Jean [<mailto:Jean.Frantzen@legis.state.wi.us>]
Sent: Monday, January 10, 2005 10:25 AM
To: Statz, Andrew
Cc: Grinde, Kirsten; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica
Subject: LRB Draft: 05-1491/1 Commercial fishing approvals

Following is the PDF version of draft 05-1491/1.

01/19/2005

Gibson-Glass, Mary

From: Flaherty, Peter D.
Sent: Thursday, January 20, 2005 3:26 PM
To: Gibson-Glass, Mary
Subject: commercial fishing fees

Mary - Here is my suggested approach for establishing the 4 fees and granting the authority to charge them (in Sections W, X and Y). My operating principle here is, the simpler the better.

In the draft sections below, I used the term "harvest permit" to describe both the "racehorse permits" and the "individual quota permits" that DNR issues. In our admin rules, we really don't have standard names for these permits, but we tend to call both of them "harvest permits" (to distinguish them from gear permits or restricted fishing area permits).

I think that the only reason you need to distinguish between the two types of harvest permits here is to allow for the reduced issuance fee where there is an allocated quota with no open season.

This approach allowed me to shorten the draft quite a bit, and Section 21 is not needed if Section 20 is revised as shown, since the \$100 issuance fee applies to both types of harvest permit.

SECTION W. 29.519 (1) (bg) of the statutes is created to read:

29.519 (1) (bg) The department may charge a licensee the annual fee specified in s. 29.563 (7) (c) 2g. for the second and any subsequent harvest permit issued to allot individual licensee catch quotas, but may charge the reduced fee specified in s. 29.563 (7) (c) 2r. if the second or subsequent harvest permit to allot an individual licensee catch quota is for a species for which there is no open season.

SECTION X. 29.519 (1) (bn) of the statutes is created to read:

29.519 (1) (bn) The department may charge a licensee the fee specified in s. 29.563 (7) (c) 2m. for the second and any subsequent harvest permit issued to regulate fishing for a species for which there is a harvest limit but for which there is no allotment of catch quotas to individual licensees.

SECTION Y 29.519 (1) (br) of the statutes is created to read:

29.519 (1) (br) The department may charge the fee specified in s. 29.563 (7) (c) 1m. to transfer a harvest permit.

SECTION 19. 29.563 (7) (c) 1m. of the statutes is created to read:

29.563 (7) (c) 1m. Commercial fishing harvest permit transfer under s. 29.519 (1) (br): \$50.

SECTION 20. 29.563 (7) (c) 2g. of the statutes is created to read:

29.563 (7) (c) 2g. Commercial fishing harvest permit under s. 29.519 (1) (bg) or (bn): \$100.

SECTION 22. 29.563 (7) (c) 2r. of the statutes is created to read:

29.563 (7) (c) 2r. Reduced fee for a commercial fishing harvest permit under s. 29.519 (1) (bg) for a permit to allot an individual licensee catch quota for a species for which there is no open season: \$25.

Let me know if you have any questions.

My home phone is 256-7986 and my cell is 358-7863 if you need to reach me outside of work hours.

Peter D. Flaherty, Attorney
Bureau of Legal Services
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921
Phone: (608) 266-8254
Fax: (608) 266-6983
E-mail: Peter.Flaherty@dnr.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

RMR
LRB-1491/r2
MGG:wlj:jf

D-Note

DOA:.....Statz, BB0348 - Commercial fishing approvals

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

TODAY
if possible

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

This bill increases the fees for commercial fishing and fishing guide licenses issued to residents and nonresidents and for wholesale fish dealer licenses. ~~The bill also specifically authorizes DNR to charge fees in order to regulate how the total harvest limit for a species of fish is allocated among licensed commercial fishers.~~

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

INSERT
ANL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 29.024 (2) (d) of the statutes is amended to read:

3 29.024 (2) (d) Except as provided under s. 29.182 (4), 29.184 (6m), or 29.519 (2)

4 (d) ~~or by rule~~, no person may transfer his or her approval or permit the use of
5 any approval by any other person.

SECTION 2. 29.519 (1) (title) of the statutes is amended to read:

29.519 (1) (title) ^{(CS) 9} LICENSE LICENSES; PERMIT; FEES AUTHORIZED.

SECTION 3. 29.519 (1) (bg) of the statutes is created to read:

29.519 (1) (bg) The department may charge the fee specified in s. 29.563 (7) (c) 2g. for ~~any~~ ^{2nd} ~~the second~~ and any subsequent permit issued to allot individual licensee catch quotas ^{for a given year} ~~INS 2-5~~

SECTION 4. 29.519 (1) (bn) of the statutes is created to read:

29.519 (1) (bn) ^{2nd} The department may charge the fee specified in s. 29.563 (7) (c) 2ro + ~~the second~~ and any subsequent ^{2nd} for ~~any~~ permit issued to regulate fishing for a species for which there is a harvest limit but for which there is no allotment of catch quotas to individual licensees.

SECTION 5. 29.519 (1) (br) of the statutes is created to read:

29.519 (1) (br) The department may charge a commercial fisher licensed under this subsection on an annual basis the fee specified in s. 29.563 (7) (c) 2r. to maintain the fisher's catch quota for a species for which the fishing season is temporarily closed. ~~during a year when there is no open season~~

SECTION 6. 29.519 (2) (e) ^{(1)(br)} of the statutes is created to read:

29.519 (2) (e) ^{(1)(br)} Transfer of quotas. Upon application and subject to approval by the commercial fishing boards, as provided under sub. (7), ~~if~~ the department may permit the transfer of an individual license catch quota to another individual holding a license issued under this section and may charge the fee specified in s. 29.563 (7) (c) 1m. if it does permit such transfer.

SECTION 7. 29.519 (7) of the statutes is amended to read:

29.519 (7) COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan commercial fishing boards established under s. 15.345 (2) and (3) shall review and consider applications for a transfer of license ~~licenses and individual license catch~~ ^{quotas} under this section and shall approve or deny applications on the basis of rules

INS
2-20

1 promulgated by the department. The boards shall recommend to the department
2 species harvest limits and formulas for the allotment of individual licensee catch
3 quotas when the department establishes species harvest limits for allocation among
4 licensees. The boards shall assist the department in establishing criteria for
5 identifying inactive licensees. The criteria established for identifying inactive
6 licensees shall be the basis for rules governing the issuance of licenses. The boards
7 may also advise the department on all other commercial fishing matters relating to
8 Lake Michigan and Lake Superior.

9 **SECTION 8.** 29.563 (5) (a) 1. of the statutes is amended to read:

10 29.563 (5) (a) 1. Guide: ~~\$39.25~~ \$59.25.

11 **SECTION 9.** 29.563 (5) (a) 2. of the statutes is amended to read:

12 29.563 (5) (a) 2. Sport trolling: ~~\$100~~ \$149.25.

13 **SECTION 10.** 29.563 (5) (b) 1. of the statutes is amended to read:

14 29.563 (5) (b) 1. Guide: ~~\$99.25~~ \$149.25.

15 **SECTION 11.** 29.563 (5) (b) 2. of the statutes is amended to read:

16 29.563 (5) (b) 2. Lake Michigan and Green Bay sport trolling: ~~\$400~~ \$599.25.

17 **SECTION 12.** 29.563 (5) (b) 3. of the statutes is amended to read:

18 29.563 (5) (b) 3. Lake Superior sport trolling: ~~\$400~~ \$599.25.

19 **SECTION 13.** 29.563 (7) (a) 1. of the statutes is amended to read:

20 29.563 (7) (a) 1. Outlying waters: ~~\$899.25~~ \$999.25 for the first licensed boat
21 and ~~\$899.25~~ \$999.25 for each additional licensed boat.

22 **SECTION 14.** 29.563 (7) (a) 2. of the statutes is amended to read:

23 29.563 (7) (a) 2. Outlying waters without boat: ~~\$899.25~~ \$999.25.

24 **SECTION 15.** 29.563 (7) (b) 1. of the statutes is amended to read:

29.563 (7) (b) 1. Outlying waters: ~~\$6,499.25~~ \$7,499.25 for the first licensed boat and ~~\$6,499.25~~ \$7,499.25 for each additional licensed boat.

SECTION 16. 29.563 (7) (b) 2. of the statutes is amended to read:

29.563 (7) (b) 2. Outlying waters without boat: ~~\$6,499.25~~ \$7,499.25.

SECTION 17. 29.563 (7) (c) (title) of the statutes is amended to read:

29.563 (7) (c) (title) *Other commercial licenses approvals.*

SECTION 18. 29.563 (7) (c) 1. of the statutes is amended to read:

29.563 (7) (c) 1. Outlying waters license transfers under s. 29.519 (2) (d): ~~\$25~~ \$49.25.

SECTION 19. 29.563 (7) (c) ^{2wo}~~1m~~ of the statutes is created to read:

29.563 (7) (c) ^{2wo}~~1m~~ Commercial ^{fishing permit}~~catch quota~~ transfer under s. 29.519 (2)(e) ^{(1)(br)}~~(2)(e)~~ \$50. ✓

SECTION 20. 29.563 (7) (c) ^{2wo}~~2g~~ of the statutes is created to read:

29.563 (7) (c) ^{2wo}~~2g~~ Commercial catch quota permit under s. 29.519 (1) (bg): \$100. ✓

SECTION 21. 29.563 (7) (c) ^{2ro}~~2m~~ of the statutes is created to read:

29.563 (7) (c) ^{2ro}~~2m~~ Commercial fishing permit under s. 29.519 (1) (bn): \$100. ✓

SECTION 22. 29.563 (7) (c) ^{2mo}~~2n~~ of the statutes is created to read:

29.563 (7) (c) ^{2mo}~~2n~~ ^{Reduced fee for permit}~~Maintenance of catch quota~~ under s. 29.519 (1) ^(bg)~~(bn)~~ ^{1a}~~(1a)~~ \$25. ✓

SECTION 23. 29.563 (7) (c) ^{2wo}~~6~~ of the statutes is amended to read:

29.563 (7) (c) 6. Wholesale fish dealer: \$100 ~~\$249.25~~. ✓

SECTION 9435. Effective dates; natural resources.

(1) COMMERCIAL FISHING. The treatment of sections 29.024 (2) (d), 29.519 (1) (title), (bg), (bn), and (br), ~~(2)(e)~~, and (7), 29.563 (5) (a) 1. and 2. and (b) 1., 2., and 3. and (7) (a) 1. and 2., (b) 1. and 2., and (c) (title), 1., ~~1m~~, 2g., 2m., 2r., and 6. of the statutes takes effect on April 1, 2006. ✓

(END)

2wo

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1491/2ins
MGG:.....

Insert anl

(No ff)

The bill also authorizes DNR to charge fees for certain permits that it issues in regulating the commercial harvesting of certain species of fish.

Insert 2-5

(No ff)

The department may charge the reduced fee specified in s. 29.463 (7) (c) ⁵ ^{2m} ~~2m~~ for the issuance of any such permit for a species for which, during the year that the permit is in effect, there is no open fishing season.

Insert 2-20

SECTION ~~1~~ 29.519 (1) (br) of the statutes is created to read:

29.519 (1) (br) The department may charge the fee specified in s. 29.563 ⁽⁷⁾ ^{2m} ~~(c)~~ ^{1m} for the transfer of a permit issued under par. (bg) [✓] or (bn) [✓].

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1491/2dn

MGG:1:....

WLj

If time permits, I suggest you have DNR Attorney Pete Flaherty review this redraft.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1491/2dn
MGG:wlj:rs

January 21, 2005

If time permits, I suggest you have DNR Attorney Pete Flaherty review this redraft.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1491/2

MGG:wlj:rs

DOA:.....Statz, BB0348 - Commercial fishing approvals

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

This bill increases the fees for commercial fishing and fishing guide licenses issued to residents and nonresidents and for wholesale fish dealer licenses. The bill also authorizes DNR to charge fees for certain permits that it issues in regulating the commercial harvesting of certain species of fish.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 29.519 (1) (title) of the statutes is amended to read:

3 29.519 (1) (title) LICENSE LICENSES; PERMITS; FEES AUTHORIZED.

4 SECTION 2. 29.519 (1) (bg) of the statutes is created to read:

5 29.519 (1) (bg) The department may charge the fee specified in s. 29.563 (7) (c)

6 2g. for the 2nd and any subsequent permit issued to allot individual licensee catch

1 quotas for a given year. The department may charge the reduced fee specified in s.
2 29.563 (7) (c) 2m. for the issuance of any such permit for a species for which, during
3 the year that the permit is in effect, there is no open fishing season.

4 **SECTION 3.** 29.519 (1) (bn) of the statutes is created to read:

5 29.519 (1) (bn) The department may charge the fee specified in s. 29.563 (7) (c)
6 2r. for the 2nd and any subsequent permit issued to regulate fishing for a species for
7 which there is a harvest limit but for which there is no allotment of catch quotas to
8 individual licensees.

9 **SECTION 4.** 29.519 (1) (br) of the statutes is created to read:

10 29.519 (1) (br) The department may charge the fee specified in s. 29.563 (7) (c)
11 2w. for the transfer of a permit issued under par. (bg) or (bn).

12 **SECTION 5.** 29.519 (7) of the statutes is amended to read:

13 29.519 (7) COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan
14 commercial fishing boards established under s. 15.345 (2) and (3) shall review and
15 consider applications for a transfer of license licenses under this section and shall
16 approve or deny applications on the basis of rules promulgated by the department.
17 The boards shall recommend to the department species harvest limits and formulas
18 for the allotment of individual licensee catch quotas when the department
19 establishes species harvest limits for allocation among licensees. The boards shall
20 assist the department in establishing criteria for identifying inactive licensees. The
21 criteria established for identifying inactive licensees shall be the basis for rules
22 governing the issuance of licenses. The boards may also advise the department on
23 all other commercial fishing matters relating to Lake Michigan and Lake Superior.

24 **SECTION 6.** 29.563 (5) (a) 1. of the statutes is amended to read:

25 29.563 (5) (a) 1. Guide: ~~\$39.25~~ \$59.25.

1 **SECTION 7.** 29.563 (5) (a) 2. of the statutes is amended to read:

2 29.563 (5) (a) 2. Sport trolling: ~~\$100~~ \$149.25.

3 **SECTION 8.** 29.563 (5) (b) 1. of the statutes is amended to read:

4 29.563 (5) (b) 1. Guide: ~~\$99.25~~ \$149.25.

5 **SECTION 9.** 29.563 (5) (b) 2. of the statutes is amended to read:

6 29.563 (5) (b) 2. Lake Michigan and Green Bay sport trolling: ~~\$400~~ \$599.25.

7 **SECTION 10.** 29.563 (5) (b) 3. of the statutes is amended to read:

8 29.563 (5) (b) 3. Lake Superior sport trolling: ~~\$400~~ \$599.25.

9 **SECTION 11.** 29.563 (7) (a) 1. of the statutes is amended to read:

10 29.563 (7) (a) 1. Outlying waters: ~~\$899.25~~ \$999.25 for the first licensed boat
11 and ~~\$899.25~~ \$999.25 for each additional licensed boat.

12 **SECTION 12.** 29.563 (7) (a) 2. of the statutes is amended to read:

13 29.563 (7) (a) 2. Outlying waters without boat: ~~\$899.25~~ \$999.25.

14 **SECTION 13.** 29.563 (7) (b) 1. of the statutes is amended to read:

15 29.563 (7) (b) 1. Outlying waters: ~~\$6,499.25~~ \$7,499.25 for the first licensed boat
16 and ~~\$6,499.25~~ \$7,499.25 for each additional licensed boat.

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18 29.563 (7) (b) 2. Outlying waters without boat: ~~\$6,499.25~~ \$7,499.25.

19 **SECTION 15.** 29.563 (7) (c) (title) of the statutes is amended to read:

20 29.563 (7) (c) (title) *Other commercial licenses approvals*.

21 **SECTION 16.** 29.563 (7) (c) 1. of the statutes is amended to read:

22 29.563 (7) (c) 1. Outlying waters license transfers under s. 29.519 (2) (d): ~~\$25~~
23 \$49.25.

24 **SECTION 17.** 29.563 (7) (c) 2g. of the statutes is created to read:

25 29.563 (7) (c) 2g. Commercial catch quota permit under s. 29.519 (1) (bg): \$100.

SECTION 18. 29.563 (7) (c) 2w. of the statutes is created to read:

29.563 **(7)** (c) 2w. Commercial fishing permit transfer under s. 29.519 (1) (br):
\$50.

SECTION 19. 29.563 (7) (c) 2m. of the statutes is created to read:

29.563 (7) (c) 2m. Reduced fee for catch quota permit under s. 29.519 (1) (bg):
\$25.

SECTION 20. 29.563 (7) (c) 2r. of the statutes is created to read:

29.563 (7) (c) 2r. Commercial fishing permit under s. 29.519 (1) (bn): \$100.

SECTION 21. 29.563 (7) (c) 6. of the statutes is amended to read:

29.563 (7) (c) 6. Wholesale fish dealer: \$100 \$249.25.

SECTION 9435. Effective dates; natural resources.

(1) COMMERCIAL FISHING. The treatment of sections 29.519 (1) (title), (bg), (bn), and (br), and (7), 29.563 (5) (a) 1. and 2. and (b) 1., 2., and 3. and (7) (a) 1. and 2., (b) 1. and 2., and (c) (title), 1., 2g., 2m., 2r., 2w., and 6. of the statutes takes effect on April 1, 2006.

(END)